ing of the words, within which such an act as this clearly falls."

Lord Campbell C.J., who delivered the judgment of the court, held "That the loss ... is a loss by seizure, according to the common meaning of the word in the English language, can admit of no doubt. Dr. Johnson defines "seizure" to be "the act of taking forcible possession... It thus becomes necessary for the plaintiffs to show that the word "seizure" is used in the warranty in some peculiar and limited sense... We believe that a warranty in this form is sometimes introduced into policies, when there is an apprehension of war, with a view to protect the underwriter from belligerent risks... But, where it is introduced, there is no decision that it must be confined to belligerent seizure; and we clearly think that it would extend to a capture or seizure by pirates."

On the argument for the plaintiffs that the "seizure must, at all events, be confined to a seizure by violence from without, excluding anything to be done by those who were lawfully on board the ship", Lord Campbell said: "But what reason is there for such a restriction, in the absence of any allegation upon the record of any peculiar mercantile usage of the expression, and in the absence of any judicial decision imposing this restricted meaning upon it? If the crew, intending to turn pirates, were to murder the captain and to run away with the ship, would not this be a loss by seizure? The [emigrants] were passengers, no doubt: but suppose that, during the voyage of an emigrant ship, the emigrants, intending to turn pirates, should murder the captain and the crew, and run away with the ship, would this not be a loss by seizure? We think that it would." I respectfully concur with everything Lord Campbell said in the case.

(c) *Piracy*

Finally, a few words on the subject of piracy which was canvassed at the hearing. The leading case on it is *Republic of Bolivia* v. *Indemnity Mutual Marine Assurance Company, Limited.*[8] There is the oft-quoted *dictum* of Kenndy L.J. where he adopted the definition by *Carver* which states: "Piracy is forcible robbery at sea, whether committed by marauders from outside the ship or by mariners or passengers within it. The essential element is that they violently dispossess the master, and afterwards carry away the ship itself, or any of the goods, with a felonious intent." In this case, too, the common or popular meaning of piracy was expressed by Vaughan Williams L.J. He said that a pirate is "a man who is plundering indiscriminately for his own ends..." The question I ask is: Were the crew of "Vira II" plundering indiscriminately for their own ends? Counsel for the second defendant submitted that they were not. He said that they merely took the vessel to go to Cambodia. But it can be said that the crew having been confined to the ship in Singapore and Penang, and having the desire to return to Cambodia, committed robbery at sea. In my view, the crew of "Vira II" had plundered indiscriminately for their own ends.

There is, however, another question relating to piracy, that is whether there can be piracy when a ship, as in this case, is not in the open sea, a topic that was discussed in the Bolivian case but not decided. For myself, too, I would leave it unresolved as I would like to have the benefit of more study.

In this case I hold that the crew of "Vira II" forcibly took possession of the ship. There was seizure of the ship, a peril insured for by the plaintiffs with the second defendant and expressly excluded in the hull policy of the first defendants. The purpose or motive of the seizure was to go to Cambodia. The acts were not directed wholly or primarily against the owners. The owners lost the ship. But the crew were not committing fraud against the owners, in the accepted meaning of that word, and there was no gross negligence by the master. There will accordingly be judgment for the plaintiffs against the second defendant. The claim against the first defendants is dismissed.

Two ancillary matters arise from the judgment I have just delivered. Mr. Selvam for the plaintiffs asks that the plaintiffs be paid interest from August 1976 to date of judgment. The reason he gives is that the second defendant had repudiated liability as early as June or July 1976 and in all the circumstances he should be paid interest from at least August. I agree with that and I order that the second defendant pay interest at 8% from August 1976 to date of judgment.

As regards costs, I am satisfied in this case that the costs of the plaintiffs and of the first defendants should be borne by the second defendant.

Claim against first defendants dismissed;
Claim against second defendant allowed.

Solicitors: *Drew & Napier; Karthigesu & Arul; Emmanuel & Barker.*

CHANG SONG LIANG & ORS. v. THE ATTORNEY-GENERAL, SINGAPORE

[O.C.J. (Wee Chong Jin C.J.) January 10, 1980]
[Singapore — Suit No. 2189 of 1977]

Administrative Law — Police — Police officers assaulting accused during investigations — Punishment by Public Service Commission — Whether ultra vires — Police Force Act (Cap. 78), ss. 11, 27, 28A — Police Regulations 1959, regs. 5, 6, 7(1) & 14 — Public Service (Disciplinary Proceedings) Regulations 1970, regs. 4(3) & 7.

Police — Powers of Police Commissioner — Scope of ss. 27 & 28A of Police Force Act (Cap. 78) — Police Regulations 1959, regs. 5, 6, 7(1) & 14 — Public Service (Disciplinary Proceedings) Regulations 1970, regs. 4(3) & 7.

The plaintiffs, police officers in this case were each separately charged with having voluntarily causing hurt to one *P.* on July 12, 1973 for the purpose of extorting information from him which may lead to the detection of an offence. They were each interdicted from the performance of duty on half pay from July 22, 1974 onwards. The criminal charge against them was dropped but they continued to be interdicted from the performance of their duty on half pay. On May 31, 1975, they received identical letters of disciplinary proceedings against them with a view to their dismissal. By a separate letter of the same date, they were each notified that they were interdicted from duty on no pay with effect from June 2, 1975.

The plaintiffs submitted exculpatory statements in answer to the charges made against them but the Public Service

Commission, acting under regulation 4(3) of the Public Service (Disciplinary Proceedings) Regulations, 1970, appointed a Committee to inquire into the matter. The plaintiffs were represented by counsel and the enquiry at which 30 witnesses gave evidence concluded on July 27, 1976.

Several letters were written by the plaintiffs' counsel regarding the result of the inquiry and only on June 25, 1977 were they told that the plaintiffs were found guilty of the charge of assaulting *P*.

The plaintiffs contended that the Public Service Commission or the Committee had no jurisdiction to hear or inquire into the two charges preferred against them.

Held, dismissing the plaintiffs' action: (1) section 28A of the Police Force Act could not be construed as having deprived a subordinate officer of any right prior to the enactment of section 28A;

(2) whether or not the said section 28A has retrospective effect, the Commissioner of Police had lawfully exercised the discretion vested in him under section 28A of the Act to refer the cases against the plaintiffs for them to be dealt with by the Public Service Commission in accordance with the regulations governing disciplinary proceedings in the public service;

(3) under regulation 7 of the Public Service (Disciplinary Proceedings) Regulations 1970 the Public Service Commission is empowered to interdict a public officer and to withhold the whole of his total emoluments during the period of his interdiction.

CIVIL SUIT.

J.B. Jeyaretnam for the plaintiffs.

Chao Hick Tin (Deputy Senior State Counsel) for the defendant.

Cur. Adv. Vult.

Wee Chong Jin C.J.: At about 3.30 a.m. on July 12, 1973 two men, Peck Han Choo and Lim Soi Soon, were arrested by police officers, in a patrol car and taken to the Beach Road Police Station, and confined in the Station lock-up. On the same day they were separately interrogated. On July 18 while still under detention at Beach Road Police Station Lim Soi Soon, who had complained of abdominal pain was taken for medical attention at a Government out-patient clinic. The medical officer recommended hospitalisation but her recommendation was not implemented because Lim Soi Soon was brought to her on July 19 when she again recommended hospitalisation. Again her recommendation was not carried out and on July 20 Lim Soi Soon died when he was on his way to the Singapore General Hospital. An autopsy revealed that the cause of death was acute peritonitis due to infected haematoma of right spermatic cord.

As a result of the circumstances surrounding Lim Soi Soon's death the police authorities conducted an investigation. During this investigation Peck Han Choo, for the first time, complained that on July 18 he had first been assaulted by a police inspector whom he named and later that day by three police officers Chang Song Liang, Augustin Oi Aba and Liow Fu Siong who are the plaintiffs in this action.

A year later on July 22, 1974 the plaintiffs were brought before a Magistrate's Court and each was separately charged with having on July 12, 1973 voluntarily causing hurt to Peck Han Choo for the purpose of extorting information from him which may lead to the detection of an offence and had thereby committed an offence under section 330 of the Penal Code. On the same day each of them was informed by letter that pending the determination of an inquiry against him, he "was interdicted from the performance of duty on half pay with effect from July 22, 1974 under section 11 of the Police Force Act, Chapter 78".

The criminal charge against each of them was dropped on December 5, 1974 but they continued to be interdicted from the performance of their duty on half pay. About six months later on May 31, 1975 they were notified by identical letters of disciplinary proceedings against them with a view to their dismissal. One of the letters reads as follows: —

"Through: Commissioner of Police

Dear Sir

I am directed by the Public Service Commission to inform you that your dismissal from the service under Regulation 4 of the Public Service (Disciplinary Proceedings) Regulations, 1970, is contemplated on the following charges:

You, Chang Song Liang, Detective Police Constable No. 4479 attached to the Singapore Police Force, Republic of Singapore are charged:

a. That you, on or about the 12th day of July 1973 between 9.25 a.m. and 10.35 a.m. at the Beach Road Police Station, Republic of Singapore, did conduct yourself in a manner prejudicial to the good order and discipline of the Singapore Police Force, to wit, you assaulted on Peck Han Choo @ Toh Han Choo, a member of the public who was under detention at the said Police Station.

b. That you, on or about the 12th day of July 1973 between 9.25 a.m. and 10.35 a.m. at the Beach Road Police Station, Republic of Singapore, did conduct yourself in a manner prejudicial to the good order and discipline of the Singapore Police Force, to wit, you assaulted one Lim Soi Soon, a member of the public who was under detention at the said Police Station.

And thereby you have been guilty of misconduct warranting disciplinary proceedings under Regulation 4 of the Public Service (Disciplinary Proceedings) Regulations, 1970, with a view to your dismissal.

2. The Statement of Grounds on which the charges are based is as follows:

On July 12, 1973 at about 0240 hours, 2 men one Peck Han Choo @ Toh Han Choo and one Lim Soi Soon (deceased) were arrested for possession of offensive weapons and were brought to the Beach Road Police Station.

At about 0820 hours on the same day, the then OC 'C' Division, Ag Supt. E.J. Walker gave instructions for Peck Han Choo and Lim Soi Soon to be detained under section 43 of the Criminal Law (Temporary Provisions) Act, Cap. 112. Detective Inspector Ronald Ng who was in charge of the Secret Society Branch then took over the case.

Later that same day at about 0920 hours, on the instructions of Detective Inspector Ronald Ng, Goh Soo Lai (DPC 4174) and Augustin Oi Aba (DPC 7187) took Peck Han Choo and Lim Soi Soon from the lock-up to the Secret Society Office on the first floor of the said Police Station. Lim Soi Soon was kept in the room and Peck Han Choo was taken out into the corridor. They were then questioned separately and simultaneously by DPCs amongst whom were Liow Fu Siong (DPC 1448), Augustin Oi Aba (DPC 7187) and yourself. The window to the said Secret Society Office was closed and from where Peck Han Choo was standing, he could not see into the room. However he heard Lim Soi Soon exclaim in pain. During this period, you, Liow Fu Siong and Augustin Oi Aba took turns to interrogate Peck Han Choo in the corridor. During the course of the interrogation Peck Han Choo was punched by you, Liow Fu Siong and Augustin Oi Aba. At about 1035 hours that same morning, Augustin Oi Aba took Peck Han Choo and Lim Soi Soon back to the lock-up. Lim Soi Soon complained to Peck Han Choo that he felt pain in the chest. On the 14th of July, Lim Soi Soon complained to Peck Han Choo of pain in his lower abdominal region.

Lim Soi Soon's abdominal pains gradually became worse and on July 18, 1973 and again on July 19, 1973 he was referred for medical treatment.

On July 20, 1973 at about 1850 hours, he was found to be in a critical condition and was rushed to Outram Road

General Hospital in an ambulance but he died on the way. The cause of death was certified by Dr. Seah Han Cheow, Pathologist of Outram Road General Hospital, as Acute Peritonities due to infected haematoma of right spermatic cord. The haematoma was consistent with being caused by an impact with a blunt object on the right groin.

3. I am to request you to state in writing on or before the expiry of seven working days from the date of receipt of this letter any grounds upon which you wish to rely to exculpate yourself from the charges referred to above.

4. Please acknowledge receipt of the original of this letter on the duplicate copy attached which should be returned to me without delay.

Yours faithfully
LUM CHOONG WAH
Ag Permanent Secretary
Ministry of Home Affairs."

By a separate letter also dated May 31, 1975 each of them was notified that he was interdicted from duty on no pay with effect from June 2, 1975 until further notice. The letter reads as follows: —

"Through: Commissioner of Police

Dear Sir

I am directed to inform you that the Public Service Commission has decided that you be and you are hereby interdicted from duty on no pay wef June 2, 1975 until further notice under the provisions of Regulation 7 of the Public Service (Disciplinary Proceedings) Regulations, 1970.

2. Please note that under Regulation 13 of the said Regulations you shall not, whilst under interdiction, resign or leave Singapore without the permission of the Public Service Commission.

3. Please acknowledge receipt of this letter on the duplicate copy attached herewith and return it to this office immediately.

Yours faithfully
LUM CHOONG WAH
Ag Permanent Secretary
Ministry of Home Affairs
Singapore."

The plaintiffs submitted exculpatory statements in answer to the charges made against them but the Public Service Commission, acting under Regulation 4(3) of the Public Service (Disciplinary Proceedings) Regulations, 1970, appointed a Committee to inquire into the matter and to submit a report to the Public Service Commission. The Committee entered into the inquiry on August 4, 1975 at which the plaintiffs were represented by an advocate and solicitor and evidence on behalf of the Government was presented by State Counsel. It was a protracted inquiry at which 30 witnesses gave evidence and which was only concluded on July 27, 1976.

On February 2, 1977 the plaintiffs having had no notification of the result of the inquiry and being still under interdiction without pay, their solicitors wrote to the Secretary of the Public Service Commission asking "when (the plaintiffs) may expect to be notified what decision has been reached in respect of charges against them". Eventually, on April 1, 1977 each of the plaintiffs received identical letters, one of which reads as follows: —

"Through: Commissioner of Police

Dear Sir

Please refer to my letter dated May 31, 1975 and your letter dated June 9, 1975.

2. I am directed to inform you that the Public Service Commission after careful consideration of the full facts of the case against you, has decided:

a. that you be reinstated in the service;

b. that 2/3 of your emoluments withheld during the period of interdiction be forfeited;

c. that on your being reinstated in service, your annual increments be deferred for 2 years with effect from April 1, 1977.

3. The date of your reinstatement will be the date of your reporting for duty. You are therefore requested to do so immediately on receipt of this letter.

4. Please acknowledge receipt of this letter on the attached copy and return it to me without delay.

Yours faithfully
LUM CHOONG WAH
Ag Permanent Secretary
(Home Affairs)."

As the letters of April 1, 1977 did not state the result of the inquiry into the two charges preferred against each of the plaintiffs, their solicitors wrote to the Ag. Permanent Secretary, Ministry of Home Affairs on April 12, 1977 asking whether the plaintiffs had been found guilty on the two charges. Not receiving a reply, another letter was sent on May 5, 1977. Eventually, on May 26, 1977 a reply came. It reads:—

"The Committee of Inquiry which investigated into the charges preferred against your clients was purely an investigatory and fact-finding Committee, and made no decision. Its report was solely for the Public Service Commission's own consideration. It is not to be disclosed. The reinstatement and penalties imposed on your clients were based on facts adduced at the Inquiry."

When pressed for a more satisfactory answer the plaintiffs were told by a letter dated June 25, 1977 that they were found guilty of the charge of assaulting Peck Han Choo.

They then commenced the present action claiming declarations: —

"(1) that the Public Service Commission or the Committee appointed by the Public Service Commission had no jurisdiction to hear or inquire into the two charges against them;

(2) that the finding of the said Committee that they were guilty of the charge of assaulting Peck Han Choo was so wholly arbitrary and capricious that no reasonable person could have arrived at such determination; and

(3) that the punishments imposed by the Public Service Commission were *ultra vires* and void."

At the trial Mr. Jeyaretnam, counsel for the plaintiffs, did not press the claim that the finding of the Committee was wholly arbitrary and capricious. A great deal of evidence was presented to the Committee and it is plain from a perusal of that evidence that this claim is unfounded. Peck Han Choo gave evidence before the Committee implicating all the three plaintiffs and the majority of the Committee accepted his evidence and rejected the evidence of the plaintiffs.

I now turn to deal with the plaintiffs' contention that the Public Service Commission or the Committee had no jurisdiction to hear or inquire into the two charges preferred against them. The plaintiffs as members of the Singapore Police Force are subject to the Police Force Act (Cap. 78) and the Police Regulations, 1959. Regulations 5, 6 and 7(1) of the said Police Regulations provide as follows: —

"5.—(1) A complaint against a police officer shall be reduced to writing and be read over to the informant and shall be signed by him.

(2) Any such complaint shall be investigated forthwith.

6. If as a result of an investigation, a disciplinary offence is disclosed against a subordinate officer he shall be charged. The charge shall describe the offence in the terms of the Act in such manner as to identify the act or omission complained of.

7.—(1) When a subordinate officer has been charged, disciplinary proceedings shall be conducted by an officer authorised in that behalf without undue delay."

Section 27 of the Police Force Act provides, *inter alia*, as follows: —

"27.—(1) Where a subordinate officer is found guilty by a commanding officer or any other officer authorised by him to conduct disciplinary proceedings, of any of the following offences: —

....

(c) conduct to the prejudice of good order and discipline;

....

a commanding officer may order that such subordinate officer be dismissed or retired from the Police Force or may punish him with any of the following punishments: —

(n) reduction in rank, grade or seniority;

(o) deferment or stoppage of increment;

(p) reprimand;

(q) caution;

(r) extra duty,

and in lieu of or in addition to any of the aforesaid punishments, may impose a fine not exceeding one hundred dollars or forfeiture of not more than one month's pay except in the case of absence without leave or good cause when, in addition to any other punishment, forfeiture of pay may be imposed in respect of the period of absence or such lesser period as to the commanding officer may seem fit."

With effect from December 13, 1974 a new section, section 28A, was added which reads as follows: —

"28A. (1) Notwithstanding the provisions of sections 27 and 28 of this Act and of the Police Regulations, the Commissioner may, if he thinks fit, refer any case where disciplinary proceedings are to be taken against a subordinate officer or an inspector to the Public Service Commission for such case to be dealt with by the Public Service Commission in accordance with the regulations governing disciplinary proceedings in the public service.

(2) Where any case has been referred to the Public Service Commission under subsection (1) of this section the Commission may order that the subordinate officer or inspector, as the case may be, be dismissed or retired from the Police Force or may punish him with and of the punishments referred to in sections 27 and 28 of this Act."

The submission is that if a subordinate police officer had, prior to the date of the coming into force of section 28A of the Act, i.e. December 13, 1974, committed any of the offences set out in section 27 of the Act he had a vested right, if disciplinary proceedings are subsequently initiated against him, to be tried in accordance with the provisions of section 27 of the Act and the Police Regulations and the Commissioner of Police could not lawfully act under section 28A of the Act. It is to be observed that under section 27(1) of the Act the tribunal to try a subordinate police officer in relation to disciplinary proceedings is "a commanding officer or a person authorised by him to conduct disciplinary proceedings" and that under Regulation 7(1) of the Police Regulations disciplinary proceedings shall be conducted by "an officer authorised in that behalf". It is also to be observed that under section 28A of the Act an additional tribunal, if the Commissioner of Police thinks fit, is authorised to try a subordinate police officer in relation to disciplinary proceedings. It is plain that section 28A cannot be construed as having deprived a subordinate officer of any right prior to the enactment of section 28A. No authority has been cited that the provision of an additional tribunal to hear or conduct disciplinary proceedings amounts in law to deprivation of a right to be tried by the existing tribunal.

There is another reason why this submission must fail. On the undisputed facts no disciplinary proceedings were commenced against the plaintiffs until they were each served with a letter dated May 31, 1975. The fact that they were charged with a criminal offence before a Magistrate's Court is irrelevant. Prior to May 31, 1975 they merely faced the prospect of disciplinary proceedings being taken against them. Accordingly, in my judgment, whether or not section 28A of the Act has retrospective effect, the Commissioner of Police had lawfully exercised the discretion vested in him under section 28A of the Act to refer the cases against the plaintiffs for them to be dealt with by the Public Service Commission in accordance with the regulations governing disciplinary proceedings in the public service.

The plaintiffs' next contention is that the Public Service Commission had no power to interdict them on no pay pending the determination of the disciplinary proceedings against them. The submission is that the power to withhold their emoluments is vested only in the Commissioner of Police under Regulation 14 of the Police Regulations. Regulation 14 reads: —

"14.—(1) An inspector or a subordinate officer who has been interdicted shall, unless and until he is suspended, be allowed to receive such portion of the emoluments of his office, not being less than half, as the Commissioner shall think fit.

(2) In the event of proceedings against such inspector or subordinate officer not resulting in his dismissal or other punishment, he shall be entitled to the full amount of the pay and allowances which he would have received if he had not been interdicted. If the punishment is other than dismissal, he may be refunded such portion of the emoluments withheld as a result of his interdiction as the Commissioner may think fit."

I am unable to accept this contention. It ignores the provisions of section 28A of the Act under which, where any case for disciplinary proceedings are referred by the Commissioner of Police to the Public Service Commission to be dealt with by the latter, the case is to be dealt with "in accordance with the regulations governing disciplinary proceedings in the public service". Under Regulation 7 of the Public Service (Disciplinary Proceedings) Regulations, 1970 the Public Service Commission is empowered to interdict a public officer and to withhold the whole of his total emoluments during the period of his interdiction.

Finally, the plaintiffs contend that the Public Service Commission had no power to impose the punishment of forfeiting two-thirds of the emoluments withheld from them during the period of their interdiction and to defer their annual increments for two years with effect from April 1, 1977. This contention must, in my judgment, also fail. First, it disregards the provisions of Regulation 14(2) of the Police Regulations which provides that if the disciplinary proceedings against a public officer result in punishment other than dismissal, the officer may be refunded such portion of the emoluments withheld as a result of his interdiction as the Police Commissioner shall think fit. Secondly, section 28A(2) expressly empowers the

Public Service Commission to punish a subordinate police officer "with any of the punishments referred to in section 27" of the Act and one of the punishments expressly set out in section 27 is "deferment or stoppage of increment".

In the result the plaintiffs' action is dismissed with costs.

Action dismissed.

Solicitors: *J.B. Jeyaretnam & Co.*

HAW PAR BROTHERS INTERNATIONAL LTD. v. HARRY LEE WEE

[O.C.J. (Wee Chong Jin C.J.) March 7, 1980]

[Singapore — Originating Summons No. 13 of 1979]

Practice and Procedure — Costs — Lump sum bill for "professional services rendered..." — Not itemised — "Redolent of overcharge" — Test — Inherent jurisdiction of court — Order for taxation.

In this case from November 1975 to August 1976 the defendant's firm of Braddell Brothers was retained as and acted as solicitors for the plaintiff company and all its subsidiaries. During that period the company paid $119,500 to account of costs, excluding disbursements. The first two bills of costs delivered by Braddell Brothers were on August 30, 1976 and September 3, 1976 and on March 30, 1977 24 further bills of costs were delivered, one of which was for $500,000 for costs and $1,011 for disbursements. This bill of costs was not itemised but sets out in narration form the "professional services rendered..." and ended with a lump sum of $500,000. It runs to 245 pages. All the other bills of costs were also not itemised but were lump sum bills. The company considered it was grossly overcharged and after failing to arrive at a mutually agreed settlement the defendant commenced proceedings against the company claiming, *inter alia*, payment of $477,636.28 being balance of costs for work done and services rendered. The company then took out the present originating summons.

Held: (1) the court, in the exercise of its general or original or inherent jurisdiction over its officers, may order taxation where its statutory jurisdiction is inapplicable;

(2) having regard to the facts and all the circumstances, the lump sum of $500,000 for the defendant's service was "redolent of overcharge"; the bills should therefore be taxed.

[Editorial Note: We understand that the court accepted the defendant's contentions that the plaintiff was not entitled to make an application under the Legal Profession Act because more than a year had lapsed since the dates of delivery of the respective bills and that the defendant was entitled to deliver lump sum bills. The court therefor exercised its inherent jurisdiction in making the above order.]

Case referred to:-

(1) *Re Boycott* (1885) 29 Ch. D. 571.

[Authorities also cited in argument: *Halsbury's* Laws of England, 3rd Edition, Vol. 36 at pp. 138 & 139; *Barnato* v. *Foster* [1920] 3 K.B. 306, 314; The Supreme Court Practice 1979, Vol. II, pp. 852 & 853; Legal Profession Act (Cap. 217), s. 124, *Wilkinson's* case 33 L.T. 573; *In re A Solicitor; In re Taxation of Costs* [1955] 2 Q.B. 252, 271; *In re A Solicitor* [1961] Ch. 491; *Electrical Trades Union* v. *Tarlo* [1964] Ch. 720, 734; *Allen* v. *Jarvis* (1869) 4 Ch. App. 616, 621.]

ORIGINATING SUMMONS.

L.P. Thean for the plaintiff.

Cheng Tim Pin (*Miss Yu* with him) for the defendant.

Wee Chong Jin C.J.: From early November 1975 to August 27, 1976 the defendant's firm of Braddell Brothers was retained as and acted as solicitors for the plaintiff company and all its subsidiaries. During that short period of approximately ten months the company paid $119,500 to Braddell Brothers to account of costs, excluding disbursements.

The first two bills of costs delivered by Braddell Brothers were on August 30, 1976 and September 3, 1976 and on March 30, 1977 24 further bills of costs were delivered, one of which was for $500,000 for costs and $1,011 for disbursements. This bill of costs is headed "*Re* Haw Par/Slater Walker Dispute" and is not itemised but sets out in narration form the "professional services rendered in the above matter" and ends with the lump sum of $500,000. It runs to 245 pages. All the other bills of costs are also not itemised bills but are lump sum bills.

The company considered it was grossly overcharged and after several attempts which were made to arrive at a mutually agreed settlement failed the company on September 23, 1978 wrote to Braddell Brothers stating that unless they were "prepared to accept the sum paid of $119,500 as adequate compensation for the work done ... in full and final settlement of all amounts due for the work done they will have no option but to submit all the bills to the Registrar for taxation".

The defendant commenced proceedings in the High Court against the company on December 12, 1978 claiming, *inter alia*, payment of $477,636.28 being the balance of costs for work done and services rendered. The company took out the present originating summons on January 10, 1979 asking for the following relief: —

"1. An Order that the defendant do within 30 days after service of this Order deliver to the plaintiff bills of costs in all matters of business specified or referred to in the second column of the Schedule hereto attached and that such bills as and when delivered be referred to the Registrar to be taxed and settled and that the defendant do give credit for all sums of money received by him from or on account of the plaintiff and refund what (if anything) he may on such taxation appear to have been overpaid.

2. In the alternative, an Order that the bills of costs delivered to the plaintiff by the defendant, particulars whereof are set out in the said Schedule hereto attached, be referred to the Registrar to be taxed and that the defendant do give credit for all sums of money received by him from or on account of the plaintiff and refund what (if anything) he may on such taxation appeal to have been overpaid.

3. An Order that the Registrar do tax the costs of the reference and certify what shall be found due to or from either party in respect of the said bills and of the costs of the reference, to be charged (if payable) according to the event of the taxation, pursuant to the Legal Profession Act (Cap. 217).

4. An Order that pending delivery of the bills of costs and taxation of costs under paragraph 1 above, or taxation of the said bills of costs under paragraph 2 above, the defendant do not prosecute the action in Suit No. 3731 of 1978 or commence any other action for recovery of any costs."

I made an order in terms of prayers 2 and 3 and stayed the defendant's action pending taxation. It was not in dispute that the court, in the exercise of its general or original or inherent jurisdiction over its officers, may order taxation where its statutory jurisdiction is inapplicable. The facts before me which